

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

LOWER SUSQUEHANNA RIVERKEEPER ASSOCIATION,	)	
	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 23-343
	)	Judge Jennifer P. Wilson
FEDERAL HIGHWAY ADMINISTRATION,	)	
U.S. Department of Transportation, SHAILEN	)	
BHATT, Administrator, Federal Highway	)	
Administration, and COMMONWEALTH OF	)	
PENNSYLVANIA, DEPARTMENT OF	)	
TRANSPORTATION,	)	
	)	
Defendants.	)	

**PENNSYLVANIA DEPARTMENT OF TRANSPORTATION’S MOTION FOR  
SUMMARY JUDGMENT**

Defendant, Commonwealth of Pennsylvania, Department of Transportation (PennDOT) respectfully moves the Court to grant summary judgment in favor of Defendants. This litigation is an Administrative Procedure Act challenge to the FHWA decision to issue a Finding of No Significant Impact (FONSI) for the Eisenhower Drive Extension Project (Project) based on an environmental assessment (EA) prepared for the Project. FHWA properly issued the FONSI because the EA and its supporting documentation demonstrate that the Project will have no significant impact to natural resources, cultural resources or socioeconomic resources and will have no significant indirect or cumulative effects. This is well documented in the EA prepared and supported by the administrative record.

For these reasons and those more fully stated in PennDOT's brief in support of this motion, PennDOT respectfully requests this Honorable Court grant summary judgment in Defendants' favor on all counts in Plaintiffs' complaint.

DATE: April 29, 2024

Respectfully submitted by,

/s/ Neal T. Brofee

Neal T. Brofee

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